

**ORIGINAL**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO - WESTERN DIVISION

Mark R. Hoop and Lisa J. Hoop

Plaintiffs/Counterclaim  
Defendants

v.

Jeffrey W. Hoop, Stephen Hoop  
and Hoopsters Accessories, Inc.Defendants/Counterclaim  
Plaintiffs

CASE NO. C-100-869

JUDGE SUSAN J. DLOTT

04 MAR 25 PM 1:03

FILED  
JAMES G. HINN  
CLERK  
AK**RESPONSE TO DEFENDANTS/COUNTERCLAIM PLAINTIFFS' MOTION FOR  
ORDER REQUIRING PRODUCTION OF DOCUMENTS**

Defendants/Counterclaim Plaintiffs Jeffrey Hoop, Stephen Hoop and Hoopsters Accessories, Inc. have filed a Motion for Order Requiring Production of Documents. Defendants contacted Fifth Third Bank requesting the bank produce banking records of Mark Hoop, Fine-Tech Tooling, Inc. and American Aesthetics, Inc. Fifth Third Bank refused to provide records, if they in fact exist, citing the Banking Privacy Act. Fifth Third Bank's refusal to provide records, if they exist, was entirely appropriate.

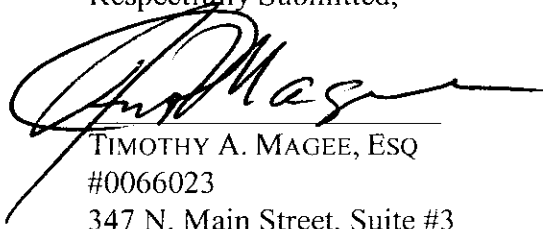
Fine-Tech Tooling, Inc. and American Aesthetics, Inc. were not parties to this lawsuit. There is no judgement against Fine-tech Tooling, Inc. and/or American Aesthetics, Inc. Defendants have cited no authority for having any possible right to review any sort of records of Fine-Tech Tooling, Inc. and American Aesthetics, Inc.

What the Defendants/Counterclaim Plaintiffs are proposing is preposterous. Were the

court to allow such a fishing expedition, it would be akin to subjecting every corporation in America to producing financial records in the event one of the corporation's possible shareholders has a judgement against them. There simply is no basis in law for such a proposition. If there was, I am sure the Fortune 500 corporations of America would like to hear about it.

Fifth Third Bank's response to Jeffrey Hoop was entirely appropriate. For Fifth Third to have acted otherwise would have subjected the bank to liability under a number of legal theories. Defendants ~~simply have no right to any such record~~. Their Motion Requiring Production of Documents must be denied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tim Magee", is written over a horizontal line.

TIMOTHY A. MAGEE, ESQ  
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**Certificate of Service.**

This is to hereby certify that a copy of the forgoing was served upon the following parties, via ordinary U.S. mail, this 22 day of March, 2004:

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